UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,803	06/07/2005	Toshiyuki Amagasa	2005_0911A	6488

513 7590 11/04/2008

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021

EXAMINER	
GLASS, ERICK DAVID	

ART UNIT	PAPER NUMBER
2837	

MAIL DATE	DELIVERY MODE
11/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/537,803	AMAGASA, TOSHIYUKI	
	Examiner	Art Unit	
	Erick Glass	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *15-17* is/are allowed.

6)☒ Claim(s) *1-14 and 18-23* is/are rejected.

7)☒ Claim(s) *24-28* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 June 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/7/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Objections

Claims 3-6, 10, and 18-20 are objected to because of the following informalities: Each of these claims contains the French words vis-a-vis. In the description it is unclear the definition, since there are multiple listed (in relation to, face-to-face, as compared with, with reference to). Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14, and 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyazaki et al (US 6,249,098).

With respect to claim 1, Miyazaki teaches a method for controlling a wiper device (abstract), detecting (fig. 3, 28) the position of a wiper arm on the basis of the state where the wiper arm is positioned at a reference position (fig. 4, lower pre-reversing position), and driving the wiper arm to reciprocate between an upper reversal position (fig. 4, upper reversing position) and a lower reversal position (fig. 4, lower reversing position) for a wiping operation, wherein, when the wiper arm stops between the upper reversal position and the lower reversal position in operation, it is always started to

move toward the reference position at the time of restarting (column 5, lines 4-22).

With respect to claim 2, Miyazaki teaches method according to claim 1, wherein, a wiper arm (fig. 8, 2) stored position (fig. 4, storage position) is arranged below the lower reversal position in the wiper device and when the wiper arm stops at a position other than the stored position in operation, the wiper arm is always started to move toward the reference position at the time of restarting (column 5, lines 4-22).

With respect to claim 3, Miyazaki teaches a wiper device (abstract) adapted to be driven by an electric motor with a speed reduction mechanism including a motor main (fig. 2, 5) body having a rotary shaft (fig. 2, 12) and a speed reduction mechanism (fig. 2, 13) for reducing the number of revolutions of the rotary shaft and transmitting the revolutions of the rotary shaft to an output shaft (fig. 2, 7), comprising: a wiper arm (fig. 8, 2) connected to the output shaft and adapted to reciprocate between an upper reversal position and a lower reversal position for a wiping operation; a first magnetism detection (column 2, lines 65-67;N) element arranged so as to be located vis-a-vis a predetermined position (fig. 5D) of the output shaft when the wiper arm is at a reference position (fig. 4, lower pre-reversing position); a second magnetism detection element (column 2, lines 65-67;S) arranged at a position (fig. 5G) separated from the first magnetism detection element by a predetermined angle (column 6, lines 21-47); and a sensor magnet (column 2, lines 65-67;16) arranged at the output shaft and having a first magnetic pole and a second magnetic pole arranged in a peripheral direction and showing different polarities, both the first and second magnetism detection elements being located vis-a-vis the second magnetic pole when the wiper arm is at the side of

the upper reversal position relative to the reference position, at least either the first magnetism detection element or the second magnetism detection element being located vis-a-vis the first magnetic pole when the wiper arm is at the side of the lower reversal position relative to the reference position (fig. 4, B (lower reversing position) and C (lower pre-reversing postion) "reference position").

With respect to claim 4, Miyazaki teaches wherein the first magnetism detection element is located (fig. 5D; 4, lower pre-reversing position) vis-a-vis the boundary of the first magnetic pole and the second magnetic pole when the wiper arm passes the reference position.

With respect to claim 5, Miyazaki teaches wherein both the first magnetism detection element and the second magnetism detection element are located vis-a-vis the first magnetic pole when the wiper arm is at the lower reversal position (fig. 5C; fig. 4, lower reversing position).

With respect to claim 6, Miyazaki teaches wherein a wiper arm stored position (fig. 4, storage position) is arranged below the lower reversal position and the first magnetism detection element is located vis-a-vis the first magnetic pole and the second magnetism detection element is located vis-a-vis the second magnetic pole when the wiper arm is at the stored position (fig. 5A;fig. 4, storage position).

With respect to claim 7, Miyazaki teaches wherein, when the wiper arm stops between the upper reversal position and the lower reversal position in operation, it is always started to move toward the reference position at the time of restarting (column 5, lines 4-22).

With respect to claim 8, Miyazaki teaches wherein, when the wiper arm stops at a position other than the stored position, the wiper arm is always started to move toward the reference position at the time of restarting (column 5, lines 4-22).

With respect to claim 9, Miyazaki teaches characterized by further comprising: a sensor (fig. 3, 18) for detecting the rotary angle of the rotary shaft, which sensor starts detecting the rotary angle of the rotary shaft at the time when the wiper arm is positioned at the reference position.

With respect to claim 10, Miyazaki teaches an electric motor with a speed reduction mechanism including a motor main body (fig. 2, 5) having a rotary shaft (fig. 2, 12) and a speed reduction mechanism (fig. 2, 13) for reducing the number of revolutions of the rotary shaft and transmits the revolutions to an output shaft (fig. 2, 7), comprising: a first magnetism detection element arranged so as to be located vis-a-vis a predetermined position of the output shaft when the wiper arm is at a reference position (fig. 4, lower pre-reversing position); a second magnetism detection element arranged at a position separated from the first magnetism detection element by a predetermined angle (column 6, lines 21-47); and a sensor magnet (column 2, lines 65-67) arranged at the output shaft and having a first magnetic pole and a second magnetic pole arranged in a peripheral direction and showing different polarities, both the first and second magnetism detection elements being located vis-a-vis the second magnetic pole when the wiper arm is at one side relative to the reference position, at least either the first magnetism detection element or the second magnetism detection element being located

vis-a-vis the first magnetic pole when the wiper arm is at the other side relative to the reference position.

With respect to claim 11, Miyazaki teaches a method for controlling a wiper device (abstract), driving a wiper arm (fig. 8, 2) to reciprocate between an upper reversal position (fig. 4, upper reversing position, E) and a lower reversal position (fig. 4, lower reversing position, B) for a wiping operation, wherein a reference position (fig. 4, lower pre-reversing position, C) arranged between the upper reversal position and the lower reversal position; a lower limit position for mechanically restricting the operation of the wiper arm, arranged below the stored position (column 5, lines 8-16); and, when the wiper arm stops in operation, it is always started to move toward the lower limit position at the time of restarting (column 5, lines 4-22).

With respect to claim 12, Miyazaki teaches a method for controlling a wiper device (abstract), driving a wiper arm (fig. 8, 2) to reciprocate between an upper reversal position (fig. 4, upper reversing position) and a lower reversal position (fig. 4, lower reversing position) for a wiping operation, wherein a reference position (fig. 4, lower pre-reversing position) arranged between the upper reversal position and the lower reversal position; a stored position (fig. 4, storage position) for holding the wiper arm at rest when the wiper arm is stopped, arranged below the lower reversal position; a lower limit position for mechanically restricting the operation of the wiper arm, arranged below the stored position (column 5, lines 8-16); and, when the wiper arm stops between the upper reversal position and the reference position in operation, it is

always started to move toward the reference position at the time of restarting (column 5, lines 4-22); when the wiper arm stops between the reference position and the stored position in operation, it is started to move either toward the reference position or toward the lower limit position at the time of restarting(column 5, lines 4-22).

With respect to claim 13, Miyazaki teaches a method for controlling a wiper device (abstract), driving a wiper arm (fig. 8, 2) to reciprocate between an upper reversal position (fig. 4, upper reversing position) and a lower reversal position (fig. 4, lower reversing position) for a wiping operation, wherein a stored position (fig. 4, storage position) for holding the wiper arm at rest when the wiper arm is stopped, arranged below the lower reversal position; a lower limit position for mechanically restricting the operation of the wiper arm, arranged below the stored position (column 5, lines 8-16); and, when the wiper arm is driven to reciprocate (column 4, lines 38-45) between the lower reversal position and the stored position, it is moved to the lower limit position for operation in each go and return cycle (column 5, lines 4-22).

With respect to claim 14, Miyazaki teaches a method for controlling a wiper device (abstract), driving a wiper arm to reciprocate between an upper reversal position (fig. 4, upper reversing position) and a lower reversal position (fig. 4, lower reversing position) for a wiping operation, wherein a reference position (fig. 4, lower pre-reversing position) arranged between the upper reversal position and the lower reversal position; a stored

position (fig. 4, storage position) for holding the wiper arm at rest when the wiper arm is stopped, arranged below the lower reversal position; a lower limit position for mechanically restricting the operation of the wiper arm, arranged below the stored position (column 5, lines 8-16); and, when the wiper arm is driven to reciprocate (column 4, lines 38-45) between the lower reversal position and the stored position and if the wiper arm is driven toward the side of the reference position beyond the lower reversal position, it is moved to the lower limit position (column 5, lines 8-16).

With respect to claim 18, Miyazaki teaches wherein both the first magnetism detection element and the second magnetism detection element are located vis-a-vis the first magnetic pole when the wiper arm is at the lower reversal position (fig. 5C; fig. 4, lower reversing position).

With respect to claim 19, Miyazaki teaches wherein a wiper arm stored position (fig. 4, storage position) is arranged below the lower reversal position and the first magnetism detection element is located vis-a-vis the first magnetic pole and the second magnetism detection element is located vis-a-vis the second magnetic pole when the wiper arm is at the stored position (fig. 5A; relates to fig 4, storage position).

With respect to claim 21-23, Miyazaki teaches wherein,
when the wiper arm stops between the upper reversal position and the lower reversal position in operation, it is always started to move toward the reference position at the time of restarting (column 5, lines 4-22).

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance: With respect to claims 15, 16, 17, the Prior Art does not teach a method for controlling a wiper device, driving a wiper arm by means of a motor to reciprocate between an upper reversal position and a lower reversal position for a wiping operation and controlling the operation of the wiper device by detecting the wiper arm position by means of the count value of the pulse signal output as a result of the rotary motion of the motor, wherein a reference position for resetting the count value of the pulse signal to a reference value, arranged between the upper reversal position and the lower reversal position; when the wiper arm stops in operation between the upper reversal position and the reference position, it is always started to move toward the reference position at the time of restarting and the count value of the pulse signal is reset to the reference value as the wiper arm passes the reference position.

Claims 24-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Glass whose telephone number is (571)272-8395. The examiner can normally be reached on 9-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on 571-272-2227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Erick Glass/
Examiner, Art Unit 2837

/Walter Benson/
Supervisory Patent Examiner, Art Unit 2837